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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,963	02/10/2006	Norbert Weber	50321	2054
1609 7590 05/16/2007 ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P. 1300 19TH STREET, N.W. SUITE 600 WASHINGTON,, DC 20036			EXAMINER HOOK, JAMES F	
			ART UNIT 3754	PAPER NUMBER
			MAIL DATE 05/16/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/567,963	WEBER, NORBERT	
	Examiner	Art Unit	
	James F. Hook	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13, 15, 17, 20-22, and 24 rejected under 35 U.S.C. 102(b) as being anticipated by Cline. The patent to Cline discloses the recited device for dampening pressure surges in a fluid comprising a housing 1 and a connecting piece 2, a spring 22 forming a spring type accumulator in the housing, a first piston 18 displaceable in the housing against pretensioning forces of the spring forming the accumulator structure, a second piston 13 in the connecting piece along the longitudinal axis, the first and second pistons are mechanically uncoupled, the accumulator biasing the first piston such that the first piston exerts a compressive force on the second piston, the pistons are in constant contact with one another in all positions of the pistons, the first and second pistons are in a non overlapping arrangement and extend in opposite directions from abutting surfaces thereof, an anti loss device 9 is attached by threads which are formed with ring like ribs that connect such to the connecting piece at a side of the second piston remote from the first piston, the second piston is configure as a stamp inserted through an opening in the housing portion of the connecting piece, the second piston has an annular lubricating groove which holds a member 13' which is on the

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outer circumferential surface thereof, the accumulator is a helical spring, the threads form a retaining ring structure, the accumulator extends between the first piston and a cover element 23 coupled to the housing, and the connecting piece has a portion inserted inside of the housing and therefore has an external diameter that is smaller than the external diameter of the remaining portion of the housing.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 14, 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cline. The patent to Cline discloses all of the recited structure with the exception of forming the first piston with a diameter several times greater than the diameter of the second piston, disclosing that the second piston is highly machined, disclosing the use of pressurized gas with the accumulator, and providing a screw type connection for the cover element. It is noted that Cline does show a gap formed between the second piston and the inner wall of the housing opening. It is considered merely a choice of mechanical expedients to form the cap with threads to thread onto the housing instead of a more permanent connection to allow for easier access into the housing for repairs, where one skilled in the art would have found it obvious to use a threaded cap as such is merely a choice of mechanical expedients. It is considered that the second piston is in some way machined in that it has grooves and such, but it does

not disclose to what degree it's machined, however, it is considered an obvious choice of mechanical expedients to highly machine the surface to insure a smooth surface and therefore a smooth sliding piston as such is old and well known in the art and obvious to one skilled in the art to use routine experimentation to arrive at optimum values of working to meet the needs of the user. With respect to the diameter of the pistons, such is considered an obvious choice of mechanical expedients to form the pistons of any size including having the first piston having a diameter several times greater than the second piston where such is merely a choice of mechanical expedients requiring only routine experimentation to arrive at optimum values to achieve the desired transfer of force. With respect to using a gas charge in the accumulator, it is considered old and well known in the art to form accumulator structures with a charge of gas to either replace or complement the spring where such is merely a choice of mechanical expedients to use any known type of accumulator including gas which is an old and well known equivalent type of accumulator used and would only require routine skill in the art to choose the type of accumulator that would best work in the environment the accumulator is used as such would require only routine experimentation.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cline in view of Reinartz. The patent to Cline discloses all of the recited structure with the exception of providing the housing with a leakage opening. The patent to Reinartz discloses the recited device for damping pressure surges in a fluid comprising a housing 4, a piston 3 displaceable longitudinally against a pretension force of a spring 1, the piston operates in conjunction with another piston 2 which is guided to be displaced

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longitudinally in a connecting piece 12 of the housing 4, during operation the piston exerts a compressive force on the other piston in any displaced position of the latter, the other piston is provided on the outer circumference with an annular groove which contains a seal element 27, a leakage opening 23 is made in the housing and can communicate with the fluid space between the pistons via a further opening in the piston bottom, the spring is helical and configured as a pressure spring that extends between the piston and a cover element 5 which is attached to the housing, and where the diameter of the connecting piece of the housing is of an external diameter reduced in comparison to the external diameter of the housing. It would have been obvious to one skilled in the art to provide Cline with a leakage opening to allow for any leaking fluid to escape the housing as suggested by Reinartz where such would prevent the build up of fluid in the housing which would lead to failure and repair, thereby saving money by reducing repair costs.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection, as well as their application to new claims 11-24.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patent to Seibert disclosing a state of the art accumulator structure provided with pistons.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

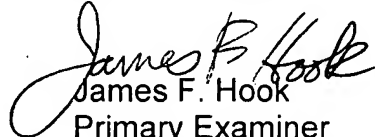
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
James F. Hook  
Primary Examiner  
Art Unit 3754

JFH